

WWU Official Communication: Student Conduct Decision

July 14, 2017

Dear [REDACTED]

I am writing to follow up on Equal Opportunity (EO) Report #17-01, regarding a complaint filed against you on April 10, 2017 by [REDACTED]. On July 9, 2017 you attended a telephonic meeting, with your attorney, where we reviewed the findings of fact in the Equal Opportunity Report, you were provided you an opportunity to be heard, provide relevant information, and learn about the student conduct process. At this meeting, outside of inquiring about when you would be able to appeal, you chose not to take the opportunity to be heard or provide relevant information. During the conversation, you did inquire if you could submit a statement and were informed that you could submit a statement, and other information, for consideration in sanctioning by 5 pm Thursday July 13, 2017. The other party in this incident was given the same opportunity, although neither of you submitted anything by the deadline for consideration.

As the respondent, you have the right to be informed of the outcome of the University's student conduct process. As the conduct officer assigned to this case, I have carefully reviewed the Equal Opportunity Report and I am finding you in violation of the Student Conduct Code.

The EO report concluded that:

- You had sex with [REDACTED] on two occasions;
- That in the course of having sex the first time [REDACTED] asked if you had a condom and you replied in the affirmative;
- That [REDACTED] did not allow you to penetrate her vaginally until you put on a condom;
- That in the course of having sex the second time, without [REDACTED] consent or knowledge, you did not use a condom; and
- That several hours later [REDACTED] awoke to find that you had inserted your fingers into her vagina without her consent, causing her to grab your wrist and push it away from her.

Based on these findings in Equal Opportunity Report #17-01, I have concluded that you were responsible for violating the following section(s) of the Code:

Sexual misconduct [WAC 516-21-180]

Conduct that harms or threatens health or safety [WAC 516-21-060]

According to the findings of fact in the EO Report, you committed Sexual Misconduct when you penetrated [REDACTED] vagina with your fingers without her consent and when you vaginally penetrated [REDACTED] without a condom, after only receiving consent for condom protected sex. Further, the act of penetrating [REDACTED] without a condom threatened [REDACTED] health with the risk

of an unplanned pregnancy, the potential spread of Sexually Transmitted Infection's (STI's), and the fear that a reasonable person would experience when faced with the uncertainty of pregnancy or STI's due to non-consensual unprotected sex.

As such, I am imposing the following sanction:

1. Suspension from the University

Effective immediately, you are suspended from Western Washington University and are trespassed from all areas of Western's campus through July 14, 2019. During this time period, you may not be on campus for any reason. An administrative hold has been placed on your student record; this prevents you from registering for classes and will remain in place until you have completed your suspension. If you need a temporary lifting of this hold to allow you to order academic transcripts, please contact our office and allow several days in order to respond to your request. Academic transcripts do not note violations of the Student Conduct Code. Prior to returning to Western, you must complete and submit a "Returning Student Application." The application is available on the Admissions website at <http://admissions.wvu.edu/returning/>. Questions about the re-application process should be directed to the Admissions Office at (360) 650-3440.

Although you graduated from Western this Spring the Student Conduct Code defines student in WAC 516-21-020(e) as any person who "Was enrolled in a prior quarter or summer session at the university and is eligible to continue enrollment in the quarter or summer session that immediately follows." According to Western's Admissions Office as a recent graduate you are eligible to enroll in classes as a Post Baccalaureate. Your eligibility to enroll in classes designates you in student status and within the jurisdiction of the Student Conduct Code. This suspension will prevent you from registering on campus as a Post Baccalaureate or applying for admission to a new program through July 14, 2019.

You have certain rights in the conduct process, including the right to request an appeal of these findings by an appeals board, as described in WAC 516-21-280. The request for review must be submitted in writing to the dean of students, at [deanofstudents@wvu.edu](mailto:deanofstudents@wvu.edu), within ten business days of this decision, making the final day you can request a review July 28, 2017 at 5 pm. If there is no request for a review received by the dean of students within ten business days, this decision is considered final.

All policies, and the Code, as well as your rights under the Code, including your right to request a review, can be found linked from here: <https://wp.wvu.edu/officeofstudentlife/reporting-a-concern-making-a-complaint/>.

Specifically, you may wish to review the following sections:

Student Rights in the Conduct Process [516-21-250]

Basis for review [561-21-280]

Appeal Procedures [516-21-290]

The student who made the complaint has the right to be informed of the outcome of the University's student conduct process and will receive notification of this outcome.

If you have any questions about the student conduct process or if the Office of Student Life can provide any additional resources you may contact Michael Sledge, the Assistant Dean of Students, at (360) 650-3706.

Best,

Jessica J. Stillwell  
Case Manager/Conduct Officer  
360 650-3706  
[jessica.stillwell@wwu.edu](mailto:jessica.stillwell@wwu.edu)